

**MINUTES OF THE  
CITY OF SANTA FE  
PUBLIC WORKS/CIP & LAND USE COMMITTEE  
Monday, July 14, 2003**

**1. CALL TO ORDER**

A meeting of the Public Works/CIP & Land Use Committee was called to order by Chair Heldmeyer at 5:15 p.m., on Monday, July 14, 2003, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Councilor Karen Heldmeyer, Chair  
Councilor Patti J. Bushee  
Councilor Miguel M. Chavez  
Councilor David Pfeffer  
Councilor David Coss

**OTHERS ATTENDING:**

Mike Lujan, Director of Public Works  
Therese Prada, Public Works Department  
Bruce Thompson, City Attorney  
Robert Romero, City Engineer  
Dan Ransom  
Melessia Helberg, Stenographer

**3. APPROVAL OF AGENDA**

MOTION: It was moved by Councilor Bushee, seconded by Councilor Chavez, that the Agenda as published be approved.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

**4. APPROVAL OF MINUTES, JUNE 23, 2003 PUBLIC WORKS COMMITTEE MEETING**

The following corrections were made to the minutes:

Page 5, Paragraph 7, correct as follows: "The motion passed by majority vote ~~with~~

~~Councilor Coss and Councilor Bushee voting in favor; Councilor Pfeffer voting against and Councilor Chavez abstaining. Chair Heldmeyer voted yes; as follows:~~

Those voting yes:      Councilor Bushee.  
                                 Councilor Pfeffer

Those voting no:      Councilor Coss

Those abstaining:      Councilor Chavez

The resulting vote was a tie and Councilor Heldmeyer voted yes. and the motion was passed by a majority of all those voting in the affirmative.

Page 5, in the heading of #10, correct as follows: "...NATURAL ~~TURN~~ TURF..."

MOTION: It was moved by Councilor Bushee, seconded by Councilor Chavez, that the minutes of the July 14, 2003, Public Works Committee Meeting be approved as corrected.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

## **5. APPROVAL OF CONSENT AGENDA**

The Consent Agenda was approved as follows:

### **CONSENT AGENDA**

- 9. GOVERNOR MILES ROAD EXTENSION PROJECT -- CIP #8365.**
  - A. REQUEST APPROVAL OF AMENDMENT #5 OF THE PROFESSIONAL SERVICES AGREEMENT (PSA) FOR CONSTRUCTION ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES WITH SMITH ENGINEERING COMPANY, IN THE AMOUNT OF \$56,381.00, INCLUDING NMGRT, FROM BUSINESS UNIT AND LINE ITEM 32764.572970. (ROBERT ROMERO)**
- 10. REQUEST APPROVAL OF BUREAU OF LAND MANAGEMENT (BLM) LAND LEASE RENEWAL FOR 82.99 ACRES AT THE SOUTHWEST END OF THE AIRFIELD. (JIM MONTMAN)**
- 11. REQUEST APPROVAL OF FEDERAL AVIATION ADMINISTRATION (FAA) LEASE, PROVIDING THE FAA OFFICE SPACE IN THE AIRPORT TERMINAL, CONTROL TOWER, AND SPACE IN THE AIRPORT UTILITY BUILDING. (JIM MONTMAN)**
- 12. OLD PECOS TRAIL PROJECT - CIP #852-A**

- A. **REQUEST APPROVAL OF COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT (NMSHTD).**
  - B. **REQUEST APPROVAL OF THE RESOLUTION SUPPORTING DEVELOPMENT OF A PROJECT AGREEMENT WITH THE NMSHTD FOR ROADWAY IMPROVEMENTS TO OLD SANTA FE TRAIL.**
  - C. **REQUEST APPROVAL TO TRANSFER FUNDS TO BUSINESS UNIT AND LINE ITEM 32785.572970.**
  - D. **REQUEST APPROVAL OF BUDGET INCREASE OF \$2,033,000 IN THE PROJECT FUND.**
- (ROBERT ROMERO)**

13. *[Removed to the Discussion Agenda by Councilor Bushee.]*

14. *[Removed to the Discussion Agenda by Councilor Bushee.]*

15. *[Removed to the Discussion Agenda by Councilor Bushee]*

16. **REQUEST APPROVAL OF A RESOLUTION SUPPORTING THE MULTI-AGENCY AND MULTI-JURISDICTIONAL SANTA FE AREA WILDFIRE OPERATIONS PLAN. (SHELLEY NOLDE) (COUNCILORS ROBERTSON LOPEZ, BUSHEE, WURZBURGER, HELDMEYER, COSS, CHAVEZ AND MAYOR DELGADO)**

All packet material for items on the Consent Agenda, are incorporated herewith to these minutes as Exhibit "1."

MOTION: It was moved by Councilor Bushee, seconded by Councilor Coss, that the Consent Agenda, as amended, be approved.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

### **INFORMATIONAL AGENDA**

Chair Heldmeyer said because of the lengthy agenda that staff will present their reports, and each member of the Committee will be given two opportunities to speak to the issue, and if it takes more than two turns per person, that item will be postponed to the Discussion Agenda at the next meeting. These are informational items and if it will take a lot of discussion, the items need to be in the Discussion Agenda.

### **6. TOILET INSPECTIONS AND COMPLIANCE. (DAN RANSOM)**

Memorandum dated July 7, 2003, to the Public Works Committee from Daniel Ransom, Water Education and Compliance Specialist, is incorporated herewith to these minutes as Exhibit "2."

Mr. Ransom said there are approximately 3,200 commercial accounts, and 245 of those accounts have been inspected as of June 30, 2003, of those 209 are in compliance and 36 are non-compliant. 43 businesses have received citations, and eight of those have received two or more citations.

Mr. Ransom said the Water Conservation Office has hired two college students, full time, who will be inspecting toilets 100% of their time. There is one part time staff who will be doing inspections as well.

**7. METER INSTALLATION UPDATE - JANUARY 1, 2003 TO PRESENT (JOE ABEYTA)**

Memorandum dated July 8, 2003, with attachments, to the Public Works Committee, from Joe Abeyta, Project Manager, Water Budget Administrative Office, is incorporated herewith to these minutes as Exhibit "3."

Memorandum dated July 10, 2003, to the Public Works Committee from Joe Abeyta, Project Manager, Water Budget Administrative Office, is incorporated herewith to these minutes as Exhibit "3(A)."

Mr. Abeyta said 260 water meters have been installed since January 1, and of those 130 meters were required to register with the Water Budget Administrative Office. Of the 130 meters, 9 meters were installed in the County and the balance installed in the City. 14 meters were exempt from the ordinance because they are affordable housing. The remaining 116 were exempt because they had a building permit and a water service agreement prior to the September 11, 2002 deadline.

Councilor Chavez said the flow chart indicates that a permit was issued, but that the addition or expansion of a commercial business did not increase the demand on the system, so they were not required to go through the retrofit program. Mr. Abeyta said this is correct. Councilor Chavez said, then in these cases they weren't adding any fixtures to their structures. Mr. Abeyta said the interpretation is that they were either moving bathrooms and not adding additional bathrooms. Also an interpretation handed down to staff is if a bathroom is being added for convenience by itself it is not considered an increase in water use. Or, it is not considered an increase in water use to add only an extra room or extra square footage. Both must be done to be considered an increase in water use - a bedroom and bath, or square footage and a fixture, and so forth.

Councilor Chavez said many people who called him felt they hadn't had an adequate

explanation, or perhaps didn't understand - most of those callers were remodeling and felt they were getting caught in the middle. Mr. Abeyta said at the building permit counter, any permits which are in question which add habitable space and/or fixtures go to the Water Budget Office for a pre-application meeting. Staff sits with these people, looks at their plans and explains carefully what will be required in terms of retrofits, or that they won't be required to retrofit. Staff then signs the application before it is submitted at the counter.

Councilor Chavez said an additional issue is how to verify that the retrofits have been done, and issues have been raised that there are a lot of red tape and "hoops" to go through to get those verified. He asked if this process has been streamlined. Mr. Abeyta said the City requires a notarization for every property owner. It is for proof of the installation of the toilet as well as gives the City permission to go into the household and inspect the toilets.

Councilor Chavez said it seems sensible that the City wants to verify that the toilets have been installed for a number of reasons - to try to determine the savings in water and the reduction of demand.

Councilor Chavez asked, with regard to existing structures where the use will change, such as at El Seville, and how the City will determine the number of retrofits in these kinds of cases. Mr. Abeyta said at this time, the interpretation is that if a structure is considered demolished under the Code [a certain percentage is demolished] and is considered a new use. He said then a new building permit is required because it is a new use and will be required to retrofit the full amount as if it never existed, and no prior usage will be taken into consideration.

Councilor Chavez said we are seeing cases where the Planning Commission is overturning the decisions of staff on retrofitting. He noted a prior case, as well as a case heard last Thursday where the Planning Commission is repealing staff's recommendations to do retrofits- - the Commission interpretation of the Code versus staff interpretation of the Code. He asked how this is going to be addressed. Mr. Abeyta said the Water Budget Administrative Office will continue to enforce what has been passed down to staff, and the interpretations given to the staff to follow. With regard to the Planning Commission decisions, he can't say the basis for those decisions.

Councilor Bushee asked what Option B means in the list.

Mr. Abeyta said Option A, for example, is when a person is doing an addition of a bedroom and a bath, and staff says a minimum of 10 retrofits must be done because of the lot size. However, that person says they are not increasing the residents of the home, and just want a bedroom and bathroom so the house will be bigger or some other such reason. That person can exercise Option B and submit a water budget demonstrating that the new addition and bath will not increase water use and the projected water use. The person will be monitored quarterly for one year, and if the water use stays within 10% of the projected amount for a year they have successfully completed the requirements for option B and will no longer be monitored.

Councilor Bushee said staff is doing a good job. She believes if the decision is made by

the Council to change the policy on inspecting retrofits, then the \$40 fee would no longer be necessary for each retrofit. Councilor Bushee asked when the Council will be reviewing the retrofit ordinance again. She has had many comments from the public that there are inequities in the ordinance and believes it is time to delve into the issue because some things may not be working as they should.

Councilor Pfeffer said he understands the water budget is supposed to be reviewed annually. Mr. Abeyta said it was supposed to have been review in February. Councilor Pfeffer said he doesn't remember reviewing that ordinance. Councilor Bushee said it hasn't been revisited. Councilor Pfeffer asked Mr. Lujan to start the process to review this ordinance. Mr. Lujan said he will get an answer in this regard.

Chair Heldmeyer said about ½ of the meters were exempt because they held a building permit and a water service agreement prior to the September 11, 2002, deadline. She recalls that the ordinance doesn't mention water service agreements, but provides for a meter in place. She asked whose decision it was to make an administrative decision to replace "a meter in place" with a "water service agreement."

Mr. Jim Salazar said the term in the ordinance and in the regulations and procedures is "water hookup." Staff had a difficult time defining water hookup and relied on the Sangre de Cristo Water Division definition of water hookup which is the actual application for the water meter which is the water service agreement.

Chair Heldmeyer said about ½ of the projects were not required to retrofit because they got a piece of paper before the deadline. Mr. Salazar said that is correct with regard to the numbers provided which he noted is only a partial count.

Chair Heldmeyer asked how many people have an existing building permit and a water service agreement who haven't yet started to build. Mr. Abeyta said he doesn't know, but he will examine ways to get this information. Chair Heldmeyer said the building permits are good for one year and then expire if not renewed. Mr. Salazar said the validity terms of different types of building permits are different. Under Chapter 7, the Building Codes, the term of a single family residential and an accessory structure building permit is one year. All other building permits under Chapter 14 are valid for two years. He noted those previously were open ended.

Councilor Pfeffer said he thought the Council explicitly dealt with building permits when the water budget was adopted, and that beyond water hookup the Council referenced building permits and other things to catch all of those not yet built. It was through some City Manager, staff and City legal discussions that an opinion came down from somewhere and staff enforces it to mean that prior to the date of the adoption of the water budget, those permits are exempt. That was not his understanding when the water budget ordinance was adopted. Chair Heldmeyer said that wasn't the understanding of anyone on the Council.

Councilor Coss said these kinds of things reiterate the call from everyone to review the ordinance. He doesn't believe the Council intended to miss ½ of the new water hookups since the

budget was adopted.

Chair Heldmeyer said the message needs to be carried to the appropriate person(s) and the big part of the message is that this ordinance needs to be reviewed and it was supposed to be done in February.

Councilor Bushee wants clarity on whose interpretation is being relied on - legal? Planning? Mr. Salazar said the final interpretation authority is the City Manager which is explicit in the ordinance and the regulations.

Councilor Bushee is dismayed at how the Planning Commission is overturning staff's interpretation who are trying to do the job daily. Chair Heldmeyer said this is something that will be discussed at Council.

Chair Heldmeyer asked the Committee if they want this issue rescheduled at the next meeting as a discussion item.

Councilor Pfeffer said none of this is recrimination from him toward staff. He said this will "pale" by comparison to what the subcommittee comes out with, in terms of prior obligations of the water company to approved developments.

Chair Heldmeyer thanked Joe Abeyta and staff for their hard work in developing this report.

## **8. UPDATE - ORTIZ/PASEO DE VISTA LANDFILLS INVESTIGATION (BILL DE GRANDE)**

Mr. DeGrande said two months ago a Stage I Abatement Plan was submitted to the New Mexico Environment Department for Frank Ortiz Park, and which was approved about a month ago and gave permission to begin the investigation. To date, four private residences and two private wells have been sampled for vapors inside the homes and groundwater contamination. Those results will be forthcoming in 14-21 days. Some of the information is being analyzed in California. On Thursday, a drilling rig will dig two bore holes at Frank Ortiz Park to check for vapors and volatile organic compounds in the landfill itself. Those results will be forthcoming in about two weeks.

Mr. DeGrande said the bid specifications are being reviewed for the four new monitoring wells to be done at Paseo de Vista and Frank Ortiz. It is hoped to go out to bid by the middle of next month. He said we are on schedule, on budget and there have been no surprises so far.

Councilor Bushee asked if we will wait for the results prior to looking at the City wells downstream. Mr. DeGrande said this is correct. Councilor Bushee asked if we are prepared for the cost of doing that. Mr. DeGrande doesn't know the costs. If nothing is found in the private

wells, then there probably won't be anything in the City wells.

Councilor Bushee asked if the expense is such that the City can't monitor its own wells even if the results aren't of concern because the shift of the flow of the aquifer which brought about this concern. Mr. DeGrande said it probably would be a good idea to monitor the wells, but that would be done by the Water division. Councilor Bushee would like to know the cost and the benefit of monitoring the wells.

Mr. Lujan said there are four additional monitoring wells which will be drilled in addition to testing the nearby domestic wells. The results of the testing will tell us what we need to do at this point. It is premature to develop a cost estimate until we know exactly where we are in this situation. The wells will cost about \$25,000 each to develop, and there are existing funds to do those wells.

Councilor Bushee would like the Water Division to respond with regard to the tests being done and if there are further tests that can or should be done without drilling new monitoring wells. Mr. Lujan will contact the Water Division in this regard.

Responding to Councilor Bushee, Mr. DeGrande said the response of the people to the testing has been very positive. The abatement plan calls for testing for vapors in four domestic homes. Two of the domestic wells have been done, and of the two other wells, one was capped and a dry hole and another doesn't exist and was misrepresented on the State Engineer's Report. He said staff is looking at another two wells, but those have not yet been tested. Councilor Bushee would like the information as soon as possible.

#### **ITEMS REMOVED FOR DISCUSSION FROM THE CONSENT AGENDA**

#### **13. REQUEST APPROVAL OF PSA WITH THE RAILYARD COMMUNITY CORPORATION FOR THE EXPENDITURE OF \$100,000 INTERIM CIP LOAN FOR ENGINEERING SERVICES. (CYRUS SAMII)**

*Items #13 and #14 were heard jointly, but voted upon separately.*

Memorandum dated July 8, 2003, with attachment, to the Public Works Committee, from Cyrus Samii, Railyard Project Administrator, is incorporated herewith to these minutes as Exhibit "4."

Councilor Bushee asked the source of the funds for these projects. Mr. Lujan said \$100,000 was taken from CIP reallocations approved by the Council some time ago. That fund will be reimbursed once NMFA funds are received. Councilor Bushee asked if there is a possibility of getting other funds.

**Chase Ault**, Director of the Public/Private Partnership works with the City, state and federal governments. She introduced Donald Meyer, a member of the Board. She said the \$100,000 was an emergency/interim loan provided for infrastructure. The funds have been used



for infrastructure design and the engineering to begin the infrastructure.

Councilor Bushee said Item #14 is a grant for project management and design. Ms. Ault said that is a \$450,000 grant awarded to the Railyard for infrastructure development, particularly in the open space and plaza. This is an EDI grant. She said this is a PSA, and the process they use to be able to access these funds.

MOTION: It was moved by Councilor Bushee, seconded by Councilor Chavez that the Committee approve this request for the expenditure of \$100,000 as an interim CIP loan from the CIP reallocation fund.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

**14. REQUEST APPROVAL OF PSA WITH RAILYARD COMMUNITY CORPORATION FOR THE EXPENDITURE OF \$449,230 OF HUD GRANT FUNDS FOR ENGINEERING & ARCHITECTURE SERVICES AND INFRASTRUCTURE CONSTRUCTION FOR THE PLAZA AND THE ALAMEDA. (CYRUS SAMII)**

*Items #13 and #14 were heard jointly, but voted upon separately.*

Memorandum dated July 8, 2003, with attachments, to the Public Works Committee, from Cyrus Samii, Railyard Project Administrator, is incorporated herewith to these minutes as Exhibit "5."

MOTION: It was moved by Councilor Bushee, seconded by Councilor Chavez, that the request for an expenditure of \$449,230 of the HUD grant be approved.

DISCUSSION: Councilor Chavez asked about the \$698,000 to make improvements to the Plaza and Alameda to benefit the Farmer's Market. Even though the Farmers Market is a strong and viable anchor for the Railyard property, the development of the Plaza and Alameda should benefit more than the Farmer's Market. He sees this as a narrow focus and hopes this isn't the intent.

Ms. Ault said the funds being spent for the Plaza and open space in the north Railyard between Montezuma and Paseo is a large open space called the Alameda which works as the infrastructure for almost all of the development which will be happening in the north Railyard in the redevelopment. It is a very critical part. Much of the infrastructure has its source in the open space.

Councilor Chavez understands that this has to be done. However, the benefit according to the Memorandum is very narrow and short because it only mentions the Farmer's Market. In reality, the improvements made and infrastructure built should benefit a large part of the economic

development plan which would support the Farmer's Market and other groups which need that economic opportunity. He hopes as improvements are made to the Plaza and the Alameda that we can implement a portion of the community economic development plan to support the cottage industries, products made locally as well as locally grown food. Ms. Ault said these points are integral to everything being done.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

15. **REQUEST APPROVAL OF AN ORDINANCE REPEALING ORDINANCES 198666, 1986-67 AND 1986-68, AND GRANTING A NEW NON-EXCLUSIVE FRANCHISE TO COMCAST CABLEVISION OF NEW MEXICO, INC., TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE PUBLIC RIGHTS-OF-WAY AND TO PROVIDE CABLE SERVICE WITHIN A FRANCHISE AREA WITH THE CITY OF SANTA FE; ESTABLISHING TERMS AND CONDITIONS OF THE FRANCHISE RENEWAL (APPENDIX "H" CABLE TELEVISION FRANCHISES). (RICK CARLISLE)**

Memorandum dated June 26, 2003, with attachments, to the Public Utilities Committee, from Rick Carlisle, CIO, Office of Information, Technology and Telecommunications, is incorporated herewith to these minutes as Exhibit "6."

Councilor Bushee said when the renewal of the franchise agreement was discussed at Council, Mr. Carlisle was to report back to the Committee with regard to the passing-on of the franchise fees and rights-of-way fees in Comcast billings. Comcast was passing-on more than those fees and was reflected as a cost due to these issues. Has this been resolved. She doesn't want to see these fees used to leverage a large increase to the customers.

Mr. Williams appeared on behalf of Mr. Carlisle who had an emergency at home.

Mr. Williams said Mr. Carlisle looked into this issue. The initial answer was that there was an average \$4 rate increase passed on to the subscribers based primarily on the update from analog to digital cable. The rate increases above that ranged from \$5 to \$20, and Mr. Carlisle was told that was based on the franchise fees. Mr. Carlisle researched that and found that the franchise fee was an increase of about 370 per subscriber. Mr. Carlisle told Comcast we need a better answer. He is working with Ken Schultz, the Comcast government liaison, and expecting a more accurate or acceptable answer on Wednesday to justify the increase above \$4 per month, per subscriber.

Councilor Bushee said she wants that information before she votes on this issue.

MOTION: It was moved by Councilor Bushee, seconded by Councilor Coss that this request be postponed to the next Public Works Committee Meeting or until the requested information is available.

VOTE: Those voting aye:     Councilor Bushee  
                                     Councilor Chavez  
                                     Councilor Coss

Those abstaining:     Councilor Pfeffer

The motion was carried by a majority of all those voting in the affirmative.

Chair Heldmeyer asked Mr. Williams if he is clear on the information needed by this Committee prior to voting. Mr. Williams said it is clear.

Chair Heldmeyer said the last time this was done, a clause was added about allowing free access for political speech, and wants to know the status of that request. Mr. Williams said he understands that request.

### **DISCUSSION AGENDA**

Chair Heldmeyer said this evening, first will be the Joint Public Hearing of this Committee and the Public Safety Committee. Then there will be staff response to Resolution 2003-42 which deals with Library services in south Santa Fe. Although that is not a public hearing, public discussion will be permitted. She stressed this wasn't an advertised public hearing. She said following that discussion, there will be discussion on the helicopter service. Finally there will be a discussion of the ICIP which is a wish list of everything the City would like to have. In two weeks, there will be a public hearing on the CIP budget which is how the City will spend the proceeds of the bonds which the City will issue in the fall. These are the issues being discussed this evening.

#### **17.     REQUEST APPROVAL OF AN ORDINANCE AMENDING SECTIONS 20-4 AND 20-18 SFCC 1987, REGARDING GRAFFITI AND SPRAY PAINT SALES. (JEANNE PRICE, JAMES MARTINEZ) THIS IS A JOINT PUBLIC HEARING WITH THE PUBLIC SAFETY COMMITTEE**

Memorandum dated July 8 for meeting of July 14, 2003, with attachments, to the Public Works Committee and Public Safety Committee, from Jeanne Price, Senior Planner, is incorporated herewith to these minutes as Exhibit "7."

Letter dated July 14, 2003, to Mayor Larry Delgado and Members of the City Council, from Jerry M. Easley, President and CEO, Santa Fe Chamber of Commerce, is incorporated herewith to these minutes as Exhibit "7(A)."

Chair Heldmeyer introduced Councilor Lopez, the Public Safety Committee Chair, Michael Trujillo the Vice-Chair, and member Herb Harris.

Ms. Price said additional copies of the ordinance are available to the public.

Ms. Price said the public hearing was noticed in the paper, and 25 notices of the public hearing were delivered to 25 businesses.

Ms. Price said the language requiring posting in the store is being modified in order to be more accurate with the changes. The ordinance introduces the concept requiring cash registers to be programmed to verify the age of the purchaser of spray paint at scanning. A new concept has been introduced which requires that the names and addresses of spray paint purchasers to be recorded and retained by the business. The ordinance is also being cleaned up and organized a little better and making it up to date with staffing arrangements. She said James Martinez of the graffiti removal crew is in attendance to answer questions as well.

Councilor Lopez asked Mr. Herb Harris a member of the Public Safety Committee to address concerns about enforcement, in particular with regard to the forms proposed to be filled out and kept by the businesses.

Mr. Herb Harris said the Public Safety Committee's concerns are in regard to the business people. He said we now have glue, guns, tobacco, and other items hidden away. This ordinance seems to put a tremendous stress on the businesses and the purchasers of spray paint. Mr. Hams said as a purchaser of spray paint, he is not the perpetrator of various crimes. The City Attorney has said we can't pass a law which appears to punish a particular group of people, i.e. just juveniles. It seems we are more interested in enacting laws which place more burdens on the businesses and on the people that want to buy these items. For example, under this law, if he purchases spray paint to paint his childrens' bicycle, he has to sign his name and give his address. If he finds he needs another can, he has to go back to the store and go through the whole process again just to buy another can of spray paint.

Mr. Harris said in some of the ordinances if he is within 50 ft. of a public building with an implement [can of spray paint] he can forfeit his property. For example, if he has a can of spray paint in his car driving under an underpass he would be within 50 ft. of the underpass and would be in violation of the law. He believes that the City should try to correct the problem by dealing with the people who are committing crimes and not those who are selling objects which can be used to commit a crime but which are used 99% of the time within the law.

Vice-Chair Michael Trujillo said he agrees with Mr. Harris's remarks. Vice-Chair Trujillo said he has a concern with Section G of the ordinance. He understands that the police need to be provided with the proper tools and information to assist them in solving crimes. He said Chief Lennen has also met with the Chamber of Commerce and other business people, and understands Chief Lennen may be willing to make some amendments to the ordinance. He finds it very

intrusive that a person must give their name, address and phone number to purchase spray paint. He has some confidential issues with this process because there is now a data base of everyone who has purchased spray paint and everyone will know how to reach those people. He asked if each of the businesses will be required to get their employees to sign confidentiality agreements, and what that will mean to the businesses. He said that isn't a guarantee that the information will remain protected.

Chief Lennen said there are some issues about which the Committee needs to be aware. The Police Department is in a position with this ordinance, much as the Cell Phone Ordinance, in enforcement when there are two diametrically opposing views about graffiti. On one hand there are artists and activists who voice at every turn that graffiti is simply one method by which young people and artisans express themselves within the community. On the other hand, there are very conservative individuals who have gone to great lengths to bring the problems of graffiti to light. In other cities across the country, there is a realization that graffiti is similar to broken windows. If you allow broken windows to exist in a neighborhood, the chances are that other crime will also begin to occur in that neighborhood.

Chief Lennen said the conservative persons have created a website that indicates the graffiti locations, the failure of enforcement on the City/Police Officer's part and also on the graffiti abatement crew. There is a gamut of feelings about graffiti.

Chief Lennen said the idea of proposing the keeping of records in Section G was to combine existing language from the current ordinances on glue and some of the procedures in place to regulate other businesses such as pawn property, i.e. keeping records, and other ordinances. None of this specifically came from the Police Department. The whole point of having that language in the ordinance, Section G, is that something needs to occur by whatever method in the ordinance - retailers need to realize that there is a great abuse of this product not only for inhalants but also as use in graffiti. Currently there is very little done in the stores to keep an eye on the products. The products are frequently stolen, and there are sales to young people, regularly, who are using the product for an unintended purpose

Chief Lennen is more than willing to "back off" Section G dealing with record keeping, and fully understands the concerns given the current situation with rights and privacy being at the top of the list for many people. That can be a measure that could be taken "down the road," as a last resort if the problem can't be controlled through the other recommendations in the ordinance. She said we need the support of the merchants if this problem is to be resolved and bring it in line with what is happening in other communities.

### **Public Hearing**

Chair Heldmeyer asked those speaking to the issue to please give their name and address for the record.

**Louis Gonzales, of Home Depot,** said Home Depot's biggest concern with the ordinance is in regard to the requirement to register people purchasing spray paint. It would be an inconvenience. It would also be a big problem in finding a place to store all of the paper work. He said Home Depot has no problem with surveillance and posting the signs, and checking ID's.

**Simon Brackley, Chamber of Commerce,** read the following letter into the record:

*July 14, 2003*

*Mayor Larry Delgado  
Members of the City Council*

*Dear Mayor Delgado and Members of the Council:*

*As problems associated with graffiti continue to plague our city we urge you to take positive actions to deal with this situation.*

*However, we do not view shifting the burden of policing this problem to the private sector as a proper course of action. While some may prefer to think of graffiti as a harmless art form or an expression of individualism, to those whose property is damaged, it is simply an act of malicious and criminal vandalism.*

*Accordingly, this vandalism should be dealt with by enacting more stringent criminal penalties for the perpetrators and more stringent policing and enforcement, not by penalizing businesses by requiring time consuming and costly record keeping and imposing fines for noncompliance.*

*Additionally, many retailers tell us that a considerable amount of spray paint is stolen from their stores regularly, and they suspect much of this stolen paint ends up being used for graffiti.*

*We applaud you for finally recognizing the severity of this problem in our community and urge you to work to find solutions. We do not believe shifting this burden to the private sector is an appropriate solution.*

*Sincerely,  
Jerry M. Easley President and CEO*

**Ike Caudill, Hobby Lobby,** said Hobby Lobby's electronic system does not scan UPC codes, and is more like an electronic cash register, which is somewhat unusual in this day and age. He said the requirements under Section G of the ordinance would be difficult and inconvenient to the customer. He said Mr. Harris expressed the situation very eloquently. He said there might be some anger from the consuming public when items are locked up, and the delays in getting those items out of cases. He said if, on top of that, there is a delay to register their name and address at the point of purchase there would be an additional frustration on the part of the consuming public as well as difficulty for the business to keep and maintain those records.

**The Public Hearing was closed**

**Questions and Comments from the Committee**

Chair Heldmeyer said model ordinances were handed out in the packet, and asked Ms. Price if being in the presence of a public place and holding a can of spray paint is part of the ordinance being presented this evening. Ms. Price said that is part of a model ordinance. She said the existing ordinance provides that it is illegal to deface public property, but it is not illegal just to be on public property with a can of spray paint.

Councilor Chavez asked how much the City spends annually on graffiti removal. Mr. Lujan said he would have to research that information. Mr. James Martinez said a rough estimate is that about \$250,000 is spent annually in graffiti removal, including personnel and equipment. Councilor Chavez said Albuquerque spends about \$1 million annually, and pointed out that graffiti is an international phenomenon.

Councilor Chavez said although the argument has been raised that graffiti is an artistic expression, we do know that it does deface public and private property. He said some graffiti looks better than others, noting that art depends on the critic and who is making that determination. The only sticking point is the resistance of the businesses in the documentation, although that could only help enforcement. He admits it is burdensome and there will be frustration. However, if we are serious about dealing with the problem we are all going to have to do some things with which we are uncomfortable.

Councilor Chavez said this is another "cat and mouse game," and he doesn't think we can eradicate graffiti completely. He said a strong partnership is needed between the City and the business/private sector which is in the business of providing the product to the public. He says what the public does with that product will be hard for either the business or the Police Department to control. He believes the more information we have the better we can enforce the ordinance. He said if Section G is the only sticking point, he would be willing to forego that section and get the ordinance amended so it can work better for the City and for law enforcement.

Responding to the Chair, Councilor Chavez said he isn't ready to make a motion until he hears comments from the other Committee members with regard to Section G, which he would like to keep in the ordinance.

Councilor Bushee said she understands the concerns about privacy issues and the registration of the purchase of cans of paint. She doesn't like the amount that is shoplifted and used by graffiti artists. She asked if there is something that can be affixed to the spray can, in a simple way, which will sound the alarm as it goes out the door if it hasn't been scanned as being purchased. Can this be monitored better.

**Louis Gonzales**, Home Depot, said Home Depot will be hiring a loss prevention manager and an officer which will patrol inside the store. He said sensormatic tags can be put on the cans of spray paint which will sound the alarm on going out the door, and the spray paint can also be locked up. This is another inconvenience to the customer, but Home Depot is willing to

do this and work with the City to resolve the problem.

Councilor Bushee asked if sensor tags are expensive. She doesn't want to mandate something that can't be easily complied with. Mr. Gonzales doesn't know the cost of the tags. Councilor Bushee said this would be her preference to prevent paint theft.

MOTION: It was moved by Councilor Bushee, seconded by Councilor Pfeffer, that the proposed ordinance be approved and that Section G be stricken from the ordinance.

DISCUSSION: Councilor Bushee asked if checking ID's to confirm the age of the purchaser will be a hold-up for the customer. Mr. Gonzales said that can be checked quickly at the register. Councilor Bushee would like to insert something about affixing sensor tags, but she is hesitant to do that until she has more information, although she encourages that the businesses commit to that.

Councilor Coss said he agrees with the motion and wants to move this forward. He quoted from the Chamber letter with regard to spray paint which is stolen which is suspected to be used for graffiti, and said keeping an eye on the stock makes a lot of sense. He doesn't want to start looking at draconian criminal penalties for graffiti, and it is reasonable to take a few steps on the selling side to proceed with the ordinance. He agrees removing Section G makes a lot of sense. The ordinance is a good step in the right direction and said this is an issue for the entire community and the source of supply is at the retail outlets.

Councilor Pfeffer said we have to do something about the problem and he believes we are "on the right track." He is somewhat annoyed that State law prohibits the City from directing the things it does toward the offending age group, but rather places the responsibility on the adults that are not doing the activity, it is philosophically wrong. Also, he said it is philosophically wrong that we are "entertaining favorably in any kind of way the notion that this stuff is art." There is a place for art and there is a difference between youth expressing itself and youth being "creepy." He said "our kids have enough of a hard time become adults without our encouraging them not to." He supports the removal of Section G.

FRIENDLY AMENDMENT: Councilor Pfeffer would like to include in the motion, the deletion of any other items within the ordinances that specifically tie to the deletion of Section G. **The motion was friendly to the maker as long as this doesn't remove the requirement for the purchasers to provide Identification at checkout. Councilor Pfeffer agreed.**

Chair Heldmeyer said there were positive comments from business people as the result of requirements to put cigarettes under observation or under lock, because that was another frequently stolen item. She said we heard later that the expense of doing this was more than offset by the reduction in losses from shoplifting.



Chair Heldmeyer said a model ordinance and example of ordinances from other municipalities were provided to the Committee. As this moves through the process she urged Councilors to come forward with any proposed changes.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

**18. RESPONSE TO RESOLUTION #2003-42 REGARDING LIBRARY SERVICES ON THE SOUTH SIDE OF SANTA FE. (MARTIN VALDEZ/SUSIE SONFLIETH)**

Memorandum dated July 14, 2003, with attachments, to the Public Works CIP & Land Use Committee, from Martin A. Valdez, Community Facilities Manager and Susie Sonflieth, Interim Library Services Director, is incorporated herewith to these minutes as Exhibit "8."

Detail of the cost of phasing of existing Design (Option 2), with attached drawings, is incorporated herewith to these minutes as Exhibit "8(A)."

The staff report was given by Martin Valdez which is contained in Exhibit "8." Mr. Valdez said Resolution #2003-42 directed staff to study options for the provision of library services on the south side of Santa Fe. The study was to include a list of which library services are most needed, an analysis of how these most needed services could be provided in a timely way, an analysis of how building space can be provided for these services, and the analysis was to include, but not limited to, the possible phasing of a new library building and the use of temporary quarters for providing library services, an analysis of available funds and consultation with Santa Fe Public Schools, Zona del Sol and other governmental and non-profit entities which might be able to contribute to the provision of library services for the south side of Santa Fe.

Mr. Valdez said the most needed library services that meet the Vision 2020 Community Needs Assessment & Master Plan for the Santa Fe Public Library are: 1) Building space; 2) a collection which reflects the needs and habits of the served community; 3) a well trained and educated staff; 4) computers; and 5) a professional services budget for services such as English as a Second Language classes. He noted Vision 2020 was used as the basis of the design for the new library.

Mr. Isaac Benton, the architect, handed out the floor plan of the building as designed and also the phasing plan that he has developed [Exhibit "8(A)"]. He said we are somewhat limited in the phasing because we are so far along in the design.

Mr. Valdez said the options for providing library services are:

Option # 1      Building the new library as designed at one time which will take 18 months to complete at a cost of \$8.4 million with an annual maintenance

of \$650,000 - complies with the Vision 2020 recommendations.

- Option #2      Phasing of the existing design for the library. Phase 1 [approximately 25,000 sq. ft.] and Phase 2 would cost \$5.9 million with annual maintenance of \$590,000. It would be necessary to do some program and design document revision, and would take a total of about 21 months to completion.
- Option #3      Downsizing the library, building a branch style library. It would be necessary to do some programming to address the required spaces and inclusion of the essential services in a reduced capacity, and would take about 27 months to completion. Cost of about \$3.5 million, with an annual operating cost of \$500,000.
- Option #4      Use of modular units at the library site at 12,000 sq. ft. which is the largest modular system which would fit the site. It would be necessary to program the required spaces and to strive to include essential services in a reduced capacity, and would take 15-18 months to completion. Cost of about \$2.3 million, with annual operating costs of about \$500,000 annually. The modular building systems would have to be approved by the Tierra Contenta Architectural Board.
- Option #5      Lease of 5,000 sq. ft. warehouse space at the Valdez Industrial Park. This option could provide library services in the most timely manner, but the services would be minimal. This would be twice the size of the existing book stop library, and could include a. small book stack reading area. A schematic floor and site plan has been developed. A 5 year lease at \$530,000, and a 10 year lease at \$921,000. The total startup costs would be \$425,000, with an annual operating expense of \$215,000. The lease price does include some tenant improvements of the space which currently is an open warehouse area.

Mr. Valdez said the operating expenses for the five options range from \$215,000 for the first year for the warehouse to \$650,000 for the library constructed as designed. He said discussions with the Finance Director have revealed that to fund the recurring costs, revenues have to increase to cover the additional expenses. Each option includes the offset from the closure of The Book Stop at Villa Linda Mall. He said revenues would have to increase by decreasing expenses, tax increase, and even consideration of an increase to the property tax or rate increases.

Chair Heldmeyer asked what rates would increase, pointing out that there is no charge currently for use of the Library, and doesn't want to charge for using the Library. Mr. Valdez said the Finance Director was speaking in general terms. He said this would be part of the review of the budget process. Chair Heldmeyer said most of those are enterprise funds and you

can't take funds from sewer, for example, for use for the library. Mr. Valdez reiterated that Ms. Raveling wasn't specific with regard to any rate increase.

Mr. Valdez said Interim Community Services Director Rick Anaya had some discussions with the Santa Fe Public Schools and Zona del Sol. Staff spoke with the Public Schools in terms of possibly using some of their modular units - portable classrooms. However, the Schools are in the middle of an aggressive redevelopment at many of the public schools so many of the portables are being used currently for an indefinite period of time. Staff also explored the possibility of the City adding floor space to the existing school libraries. However, because of liability issues, the schools weren't really open to that concept.

With regard to Zona del Sol, Mr. Valdez said the City recently entered into an agreement with the consultant to begin the design for that complex which will include development plans for the entire 5.84 acres and also the design of the Phase 1 building, which is 4,200 sq. ft. Currently there is funding only for 1,200 sq. ft. Their interest would be the City's participation in the construction of the remainder of that building, and negotiations for the lease of the remaining 3,000 sq. ft. for library services on the Southside - minimal library services.

Mr. Valdez said Santa Fe Rape Crisis Center is designing its new facility at Country Club Road and Valentine Way, and Phase 1, 11,000 sq. ft., will be used entirely for their programs. Phase 2 will be 9,500 sq. ft., and the Center has indicated its willingness to explore a long term lease with the City for the use of Phase 2 facilities.

### **Comments from the Audience**

Chair Heldmeyer said each person will be given three minutes to speak to the issue.

**Dorothy Doyle, Santa Fe Library Board of Directors**, is also on the governing board of KSFR, and resides on Plaza Verde. She said because of the inadequate facilities at the other two libraries, the increased use of the main library reduces the quality of life and the development of education and culture for the entire City. The rapid growth on the Southside has resulted in increased use of LaFarge Library services by the County population and by Tierra Contenta residents. The Book Stop at the Mall does not meet the needs of children and adults in the area. Some of these children need bilingual services, and she said there is no community room available to this community. There is a perception on the south side, including Tierra Contenta, that this population has not received equal attention nor services by the City over the past decade. These kids will be gone in another ten years. Tierra Contenta was promised a full service library and the 7-8 acres of land purchased by the City remains undeveloped.

Ms. Doyle presented a handout containing statistics to the Committee, but this handout was not entered into the official record.

**Susan Cantor, Southside Library Advocacy Committee and Friends of the Library,**

lives off Rodeo Road. She said whatever option is chosen, what is wanted is a full service library which defined includes adequate space for reading, tutoring rooms, programming space for children and adult programs and public access community rooms in addition to space for a full collection. She said budget is also needed for the programming provided by the Library.

**Phyllis Newcomer** resides in La Tierra Nueva, and is a member of Friends of the Library. Although not a resident of the Southside, she wanted to express her feelings that there is a need for a full service library on the Southside which is of importance to the entire community. She said a large percentage of children labeled as juvenile delinquents are reading disabled. She supports the space for a full service library on the Southside which would provide programs for pre-schoolers, tutoring for children with learning difficulties, after-school programs, English as a second language and summer reading programs. We can help these kids to succeed and prevent them from experiencing failure.

**Monica Valer Garcia, Tierra Contenta Subdivision** resident spoke in support of the Southside library. She said her daughter has been waiting for the Library since she was 8 and she is now 12 and still waiting to ride her bicycle to the library. She said her daughters attended a baby-sitting workshop hosted by LaFarge Library and have already applied the knowledge and tips provided in that workshop to help them earn extra money in the neighborhood. Her family would attend programs at the Southside Library and she is excited at the prospect. She said, "If you build it they will come." The new library will become an important part of the community in the area.

**Daphne De Leon, Tierra Contenta** said one of the promises made to her by builders was affordability and the promise of community. She said the community needs a space in which to interact, and why she supports a full service library on the Southside to serve this rapidly growing population, and which will produce well rounded, contributing adults. Educational experience extends beyond the classroom into the home and is supported by a library.

**Claudette Sutton, Don Diego Avenue** is the Editor and Publisher of Tumbleweeds. She said it is important to have an extensive collection of excellent childrens' books and other literacy services available and accessible to families to encourage the love of reading which is what we mean when we talk about literacy. She said the proximity of a library is important in building community and encouraging literacy. She would like a library on the Southside which will be large enough to house an extensive collection of top quality childrens' books with room for story time and other activities which will support children and family literacy.

### **End of public comment**

Councilor Pfeffer said he would like to go with Option # 1 and acknowledged that the Southside is badly under-served and needs to be better served in all kinds of areas. He is concerned about the funds to staff, maintain the library and fill the shelves with books, but not so much with obtaining the funds to build the facility. He said there are many competing interests for these funds -- San Juan/Chama Water, I-25/Richards Avenue intersection and other things

which need to be done. He asked where the City will get the funds to do the things it should be doing. The financial reports in March indicated that, if lucky, the gross receipts tax will increase at 2% per year. Personnel costs increase at 5% per year, so that for the 2 ' year the City Manager is not staffing positions in order to balance the budget. Councilor Pfeffer thinks we can and should build the Library, but he doesn't know how we can keep the Library operational.

Councilor Pfeffer suggested Option #5 because the operating cost is only \$215,000 annually. He said the City could build the library, but then it will have to make choices about something else that should be done, but can't be done in order to operate the library. He said this is a good idea, and everything that has been said this evening is "absolutely right." He said we need to look at new sources of revenue, remarking that property tax is a major, untapped source of revenue in Santa Fe. However, a lot of people can't afford to pay any more property taxes.

Chair Heldmeyer said this item is on this agenda as a discussion item prior to the discussion of the CIP budget because this Committee needs this information to talk about where this project will fit in the myriad of problems talked about by Councilor Pfeffer. In two weeks, when the Council starts making decisions about which projects to fund, which projects aren't funded, and the level of funding, this is the kind of information the Council needs to make those decision. There may not be a decision this evening, but there will be discussion which will carry-over in two weeks in the decision-making process on the CIP funding.

Councilor Chavez believes staff has done everything possible to bring this information to the Council, and he supports Option #2 and believes that is the best option and the best of the four options discussed. This is a phase-in of the existing design. He explained the ICIP process as opposed to the CIP bonding cycle. He said a portion of the next CIP bond cycle could be allocated for the Library - \$1.5 million for two years would produce \$3 million. The Southside Library is on the ICIP list and therefore the City can seek funds from the Legislature and use the \$3 million as matching funds. He said currently, impact fees cannot be spent for schools and libraries.

Councilor Chavez said the consultation with Santa Fe Schools, Zona del Sol and other non-profits needs to be nudged up somewhat, and we need to engage in a real deliberate dialogue between City entities such as Friends of the Library. He would like to direct staff to bring those groups together so we can discuss creative fund-raising *efforts* in addition to what the City and State are willing to provide. This could be done during Phase 1 and before Phase 2.

Councilor Coss believes we will really have to fight for Option #2. He said this is a promise made by a previous governing body which is not yet complete. He said it is sobering to look at the San Juan/Chama Diversion Project and to discuss how and where to find the \$100 million for that project, and to realize that Impact Fees are on hold again. He and Councilor Chavez represent the youngest, the poorest and the fastest growing part of Santa Fe. He said the last time a library was built in Sant Fe he was a very little boy. Two generations have grown up

in Santa Fe without a new library. He doesn't see how we can't commit to fight for Option #2. He said finding the operating funds will be more difficult than finding the capital to build the Library. He believes we need to commit to build the Library. He recalled that the Southside recreation facility grew from \$14 million to \$26 million. He recalled Councilor Pfeffer's activism in getting that facility finally built.

Councilor Bushee said she is concerned that the operating expenses for Option #2 are very similar to those for Option #1. She noted there wasn't a projected cost for Phase 2. She agrees that the biggest hurdle will be the operating expenses more than the capital costs.

Mr. Valdez said the estimated cost for Phase 2 [based on 2003 dollars/no inflation included] is an additional \$2 million. This information was provided by the consultant.

Mr. Benton said the total cost of Phases I and 2 will be more than it would cost to build the Library all at one time. He said the additional costs for phasing, excluding books or additional operating costs, would be \$640,000 in today's dollars.

Councilor Bushee said she heard Mr. Valdez to say that to build the Library all at one time would be \$8.375 million. Mr. Benton said that is correct, but that figure includes books. The building alone would be \$5.9 million.

Councilor Bushee reiterated her question about operating expenses with a phased project which concerns her, commenting it might be wiser to build the building up front.

Councilor Bushee believes there might be some funds from the 1/4 % joint City-County tax, and from the State along with some funds from the upcoming CIP bond cycle. She believes we can find the funds to build the Library. She isn't considering Options #3, #4 and #5 which she believes aren't worthy of the growing population on the south side. She has concerns about how to operate and maintain a new Library. She believes people might pass a general obligation bond issue for a Library as well as open space and trails. She supports going for Option # 1. However, she wants a plan that provides that the City would look at a general obligation bond election. She will leave it to the Councilors from District #3, however, to point her in the correct direction on this issue.

Chair Heldmeyer doesn't believe it is fair to say to staff that Options #4 and #5 aren't worthy, because these are some of the options we asked staff to explore.

Councilor Bushee clarified that those options aren't something she wants to consider.

Chair Heldmeyer clarified that Options #4 and #5 were stopgap measures in case the City couldn't afford new construction, and she believes we are doing our fiscal duty to ask staff to explore these possibilities.

Chair Heldmeyer said, as pointed out by Councilor Coss, the Council had grand designs to do things on the south side, some of which were done including Genoveva Chavez. And, we ultimately charged fees so high that many kids can't afford to pay them.

Chair Heldmeyer sees most of the building and programs in Phase 1, and this might be a reasonable way to go and the best "bang for the buck." The things in Phase I are the things that make the Library "go." She said the County might help, pointing out that County residents are served as well. She clarified that the Joint County GRT is limited to three areas: water, roads and open space/parks. It would take some reworking to get money from that source to go toward the Library.

Chair Heldmeyer said one of the big expenses is the cost of books and periodicals, and asked how much help can we expect from the state and federal governments to provide those materials. Ms. Sonflieth said this year the State Library grants-in-aid was about \$10,000, although the Library received \$270,000 from State G.O. bond funds for the next 18 months, to be used for materials and to update the public computers.

Responding to the Chair, Ms. Sonflieth said there is no federal money available whatsoever right now.

Chair Heldmeyer said she wants to make it very clear that the projects committed to by the City are not incorrect projects, are wonderful things to do that people deserve and the City ought to be doing. She believes the City needs to be smarter about how it spends our money, and we can learn lessons from some of the projects done in the mid-1990's as to how to do things better and how to be smarter about them. One of the ways to be smarter is to do the main "stuff" first and then worry about the "flourishes."

Councilor Bushee asked what the remaining 1/4 % GRT available to the City would produce - or what would be produced by a general obligation issue. She said this information is needed before making a final decision and the only way the City can commit to something of this size.

Councilor Bushee would like to move this forward with a request from the Finance Department to calculate the proceeds of the remaining V40 as a joint effort with the County, and to calculate the process and proceeds that could be generated through property taxes including a general obligation bond election.

Councilor Pfeffer said we keep comparing things to the MRC and the Chavez Center, but the difference between those and the library is that user fees are charged for the use of the recreational facility and those fees can be changed. Fees aren't charged for the use of a Library, which is right. However, we may be confronted with the need to do that to meet the operating and maintenance costs. He said the difference between personnel costs and the operating budget of the City is \$17 million. In 5 years, the difference will be \$12 million unless this Council is

willing to say to the unions that for the next 5 years it will entertain cost of living raises and nothing more. In that case, the difference will probably stay at about \$17 million. The City is now unable to deliver adequate sanitation service, make adequate purchases of equipment and is going to be looking for another \$650,000 annually for the Library. A general obligation bond will raise the property tax and he asked if we are willing to do that because some people can't afford to do that. He asked if not, then how do we fund the \$650,000 annual ongoing costs.

Councilor Pfeffer said there are questions this evening that will apply to everything else the City thinks of building including the \$100 million San Juan/Chama diversion. "It boggles my mind to be thinking of adding anything at all to the burden that we cannot now carry. We are not carrying the load right now, and we're leading these people into thinking that we can." He said we can probably find money to build the facility that the City can't staff. We ought to be working for legislation so we can apply impact fees to schools and libraries because growth causes the increase in demand for City services. We ought to be talking about issuing a general obligation bond

Councilor Pfeffer said the Chavez Center pays 60% of its costs, while libraries pay 0% of their costs. He said it is not about the value of doing this, but about the reality of being able to do something and he doubts the City's capability to deliver anything more.

Councilor Coss said Councilor Pfeffer is "right on" in his observations of the situation we face. Councilor Coss said he won't support any increase in taxes that isn't passed by public referendum. However, he wouldn't put the whole problem of the general fund on the unions, noting that a lot of the issues with increased personnel cost have to do with the galloping inflation in health care costs which all governments and the unions are facing.

Councilor Bushee said the City has a lot of enterprises and a lot have paid their way and some haven't, pointing out the subsidy to the MRC at \$1 million annually. She said we are talking about basic needs, and she is suggesting exploring funding options. One is a shared GRT increment and the other would be a general obligation bond, both of which would require support by the voters. If passed by the voters, she supports Library Option # 1 if the District 3 Councilors believe that is the way to go

Chair Heldmeyer reiterated that the City is not allowed to use impact fees for schools and libraries, commenting that Councilor Chavez has been actively working for legislation for several years which would permit this use of impact fees. We can only look to existing funding mechanisms, and we can't make promises on the basis of funding mechanisms that we don't even have the promise of having in the future.

Councilor Chavez said the funding sources available for a Library are from the CIP bonding issue, and he hopes there will be a commitment from CIP to partially fund this Library and requesting an appropriation from the Legislature.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Coss to direct staff to pursue Option #2 as the best funding approach for the Library, understanding that there are



drawbacks, to look at ways to fund the construction and to work with other groups to identify other revenue sources.

DISCUSSION: Councilor Pfeffer said to put this issue to a vote of the public would be asking the public to act in a vacuum. The City has limited GRT capacity, and if spent on a Library it won't be spent on something else. He believes if the tax issue is on the ballot the proper question would be to include everything that needs to be funded so the public can decide how the funds should be spent. We can't infinitely raise GRT and property taxes.

FRIENDLY AMENDMENT: Councilor Bushee would like to tie the motion to exploring the two different possibilities of operation and maintenance through either the 1/4 % or general obligation bonds before deciding any of the options. **The amendment was not friendly to the maker**, although he could accept the amendment if phrased differently. If we approve Option #2 then there will be a debate as to how to fund \$8 million. He said he wants to move forward with Phase 1, and use Councilor Bushee's suggestion to fund Phase 2.

DISCUSSION: Councilor Bushee would like to go to the voters before deciding the options. She can't support any option until she knows there is long term funding for operation, maintenance, staffing and books for the library. She doesn't want to send out hope to people that the City will commit millions to build the library if it can't staff it. No one argues with the need for the Library.

Councilor Coss understood the motion to be that the Public Works Committee would favor Option #2 and also direct staff to investigate how we would fund Option #2 which could include a tax increase of some kind. He agrees with Councilor Pfeffer that if the question is to put to the public, the question is much broader than just the library and ties into our relationship with the County and all the costs that have to be met by the City. He said he and Councilor Chavez want to reaffirm the commitment to build a Library.

Chair Heldmeyer understood this evening's issue to be to give conceptual approval to one of the Options discussed this evening as the most realistic way to get what the people in the community want in as expeditious as fashion as possible, and it is not a commitment to build the library right away. Until we hear about the money, we won't know exactly how we will proceed.

VOTE: Those voting aye:      Councilor Coss  
   Councilor Chavez

Those abstaining:      Councilor Bushee  
   Councilor Pfeffer

The vote resulted in a tie, and the Chair voted yes. The motion was passed by a majority of all those voting in the affirmative.

Chair Heldmeyer agrees with everything that has been said about looking for the money, and hopes that we can find the funds.

**19. REQUEST APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF SANTA FE AND NEW MEXICO LIFE RESCUE, LLC, FOR THE PURPOSE OF CONDUCTING AN AIR MEDICAL RESPONSE AND FIXED BASE OPERATOR BUSINESS ON 4.9 ACRES OF AIRPORT LAND, AND REQUEST APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON AUGUST 25, 2003, FOR CONSIDERATION OF AN ORDINANCE RATIFYING A LEASE OF APPROXIMATELY 4.9 ACRES OF LAND OWNED BY THE CITY OF SANTA FE AND LOCATED AT THE SANTA FE MUNICIPAL AIRPORT, TO NEW MEXICO LIFE RESCUE, LLC. (JIM MONTMAN)**

Memorandum dated July 7, 2003, with attachments, to the Public Works/CIP and Land Use Committee from Vincent Lopez, Transportation Operations Division and Mike Lujan, Public Works Department Director, is incorporated herewith to these minutes as Exhibit "10."

Mr. Montman said there have been a number of meetings on this issue. Mr. Montman presented the Staff Report which is contained in Exhibit "10."

Mr. Montman said the air ambulance airplane gives more flexibility in transporting patients to and from specialty hospitals across the nation and provides connectivity with the helicopter service.

Mr. Montman said the lease is for 30 years for the baseline lease plus 10. There are 10 land leases currently on the airport, 6 are greater than or equal to 40 years or more, including the options, 4 are 38 years or less including various options. New Mexico Life rescue will be for 40 years if it executes its options. Banks generally require a 30 year baseline lease before issuing reasonable loans for development. The Council recently granted a 38 year restated lease to Zia for a hangar project, and granted a 30 year extension to a 50 year lease with the New Mexico Army National Guard. The proposed lease with New Mexico Life Rescue is consistent with existing leases at the airport and with other leases around the state, especially considering the planned investment it will make as it develops.

Mr. Montman said rent adjustments are included and land rent adjustments are made every 3 years, fuel sales fee adjustments are made on an as required basis. Gross receipts taxes are on an as required basis and are covered in the lease agreement. There are plenty of opportunities to adjust this lease over its terms to meet current economic conditions and requirements.

Mr. Montman said the Fixed Operations business is provided in the lease and has been part of its proposal all along. A Fixed Based Operator is a full service gas station at an airport. The basic services usually seen in a Fixed Base Operation are hangar rental, fuel sales, aircraft

maintenance, and other similar service. New Mexico Life Rescue will be in competition with two other FBO's currently operating at the airport which fosters lower prices and better service.

Mr. Montman said the lease is at 50 per sq. ft. for the first year, 80 per sq. ft. for the second year and 11 1/2 ¢ per sq. ft. for the third year. This is only land rent and there other things that will be charged by the Airport. As soon as Life Rescue begins fixed base operations, the rent will go immediately to 11 1/2 ¢ per sq. ft., which is the market rental value of the property from the recent master plan.

Mr. Montman said Life Rescue asked for an exclusion of the 2% gross receipts fee for the air medical portion of its operations for 5 years, preferably permanently. Staff countered with an exclusion for 3 years, and to renegotiate at that time to evaluate the status of that issue. Chair Heldmeyer asked if this is typical. Mr. Montman said it is typical to waive gross receipts fees for a developing business. He wanted to keep this to the developing period.

Mr. Montman said a comparison was done on how much of the noise at St. Vincent's is associated with the Life Rescue flight operations versus other medical operations which service the facility. Of 65 missions, 58 were by Life Rescue, 5 by Lifeguard and 2 by Air Care.

Mr. Montman said the benefit of the proposal is to reduce noise, not only at St. Vincent's but the rest of the City which might be exposed to the operations through refueling flights. There also will be jobs in the community. Medical air service is important for our citizens.

Mr. Montman said there are numerous helicopters operating out of the airport - Air National Guard, news helicopters, other medical helicopters, State Police helicopters which are based at the airport, and military and other transient helicopters.

Mr. Montman said there are many things being done to reduce the impact of the service. St. Vincent's in moving the majority of the operations to the airport.

Councilor Chavez said when the LLC came to the hospital to provide this service that fixed wing operations was not a part of the proposal, and is a part of the proposal now because the activity is being shifted to the airport. Mr. Montman said fixed wing has always been a part of Life Rescue's long range plan for the community. There was great debate in the beginning about the site of the initial operations.

Councilor Chavez is willing to accept that moving the fixed based operation to the airport might solve or help mitigate the noise problem. It was his understanding that the City was to lease space to Air Rescue to conduct its operations. He is now finding that Air Rescue will be permitted to sell fuel and other things. He asked why this lease can't be limited to what it needs for its operations instead of adding more activity.

Mr. Montman said that every document he has presented to each committee and to the Council has contained a provision for fixed based operations as a part of this proposal. [Councilor Chavez's remarks here are inaudible.] Mr. Montman said this has always been his understanding, and if the documents he has presented have "led you astray" then he apologizes. He reiterated that fixed base operations to include service fees, gasoline and maintenance have always been part of the proposal.

Mr. Montman, responding to Councilor Chavez, said he doesn't know when the long term would begin and would be based on the demand and Air Rescue's ability to fund those aircraft and facilities. Councilor Chavez understood the City was leasing to Air Rescue for those operations and not to house, store or fuel any other aircraft. Mr. Montman said the intent has always been to provide a lease which will permit Air Rescue to conduct air medical operations and also develop fixed base operations. Councilor Chavez said this so they could service their own equipment and others. Mr. Montman said this is correct.

Councilor Chavez said then the Air Rescue is in business to service other aircraft in addition to their own aircraft. Mr. Montman said this is correct, noting an existing demand for hangar service. This will in no way bring addition flights, but provides an opportunity for others to service and maintain their aircraft. [Councilor Chavez's remarks here are inaudible.]

Councilor Chavez is concerned that we would consider Air Rescue's request for relief from any percentage of the gross receipts, and wants to capture "every penny" of gross receipts due to the City. [Councilor Chavez's remarks here are inaudible.] He said we need to charge a fair rent.

Councilor Chavez said St. Vincent's, as the indigent hospital, cannot turn anyone away based on their ability to pay and asked if this is the same with Air Rescue, and if individuals are asked if they have insurance.

**Will Ashcroft, President of Air Rescue**, said they fly anyone no matter the financial background and don't do a "wallet biopsy." Councilor Chavez asked if individuals are transported and then can't pay, does Air Rescue pass that cost to the hospital. Mr. Ashcroft said a bill is sent to different funds - Medicaid, Medicare, federal - to get something for the flight, but they don't harass the patient to pay for the flight. [Councilor Chavez's remarks here are inaudible.] Mr. Ashcroft recounted a situation where someone was not able to pay the difference between the cost and the insurance payment. Mr. Ashcroft said that person was told to "forget it."

Councilor Bushee said Page 9 of the agreement, Section B. "Lessee is authorized, but not required to provide the following services and to engage in the following activities..." which includes aircraft charter operations. Mr. Montman said this is standard boilerplate language in all FBO leases, and to discriminate between one FBO and another violates the FAA grant assurances. A charter is generally a subleasee in business for himself, and operates out of the FBO using the FBO's flight planning facilities, fuel, hangars, etc., and conducts his own

operations. There is not an FBO which conducts charter operations as part of their business, although the air medical portion could be considered somewhat of a charter.

Councilor Bushee said this means Air Rescue could or could not have a "joyride" kind of operation. Mr. Montman said if anyone wanted to charter an aircraft for a joyride, and that aircraft was available for hire through this FBO that could be done.

Councilor Bushee asked Mr. Ashcroft, "You don't plan on doing anything but what you do as a rescue mission." Mr. Ashcroft said currently the only plan is for the rescue operation. He said the move to the airport will cost the company about \$300,000, and although he can't predict what will happen in 10 years, right now, he plans to stick solely to air rescue.

Councilor Bushee said this concerns her. She said she received an email from someone who would like to see five-year, graduated lease payments which would start lower than average and increase over time where the lease fee in 6 years would be on par with the other airport leases. The biggest concern is noise, and everyone is sympathetic to the current mission of Air Rescue. However, it would be of concern to her if it needs to diversify to sustain or to make more money and it could turn into either a joyride operation or other possibilities in the long term, remarking that helicopters are noisier than planes.

Councilor Bushee is concerned that there is a 30 year lease and doesn't want to see additional flight patterns of a noisy helicopter operation down the road. Chair Heldmeyer asked Councilor Bushee to look at page 1 of the Agreement which should address her concerns.

Mr. Montman said the ability to do charter operation is already authorized to the two existing FBO's, pointing out that if refused by Air Rescue, the charter operator would just go to these FBO's to do business. He said elimination of this provision from the Air Rescue lease would disadvantage him to the exclusion of the other two FBO's which already can do charter operations.

Responding to Councilor Bushee, Mr. Montman said Section B(7), page 9 of the contract provides permission for "Aircraft charter operations conducted by Lessee or a subcontractor of Lessee." Councilor Bushee said this means that the lessee can go into business in other categories. However, language on page 1 provides that the "Lessee shall use the premises solely for the purpose of conducting an air medical response and fixed base operator business." She asked if the "fixed base operator business" has all of the loopholes that lets him do whatever he wants.

Mr. Montman said the fixed based operation business referenced in the language on page 9, Paragraph B, is for typical services, minus air rescue, of an FBO on any airport. Councilor Bushee said we are discussing a more noisy helicopter. She would like the language to provide for a fixed base operator business limited solely for the purpose of conducting an air medical response. This makes her anxious as well as a 30 year lease.

Mr. Montman reiterated that there are six leases of 40 or more years, and there are four with 38 years or less when counting the options. The two leases just done were Zia which was increased by 38 years to provide investment capability to build a hangar, and New Mexico Army National Guard which is a 50 year lease increased by 30 years to allow them the opportunity to invest federal funds to build their aviation support facility.

Councilor Bushee said previously there was frustration that the leases weren't generating much for the airport. Mr. Montman said he reviews all of the leases and has fixed a number of those, although he is behind on a number of the leases because he doesn't have funds to pay for the appraisals required by some of the leases to increase their operations. This has been offset by a fees resolution which was passed by this Committee and the Council to generate more revenues. The Airport has been in the black for the past three years. Councilor Bushee asked how often the 30 year lease will be reviewed. Mr. Montman said every 3 years and some fees in the lease can be increased.

Responding to Councilor Bushee, Mr. Montman reiterated that the reason these provisions are included is because the airport cannot discriminate from one operator to the next under FAA grant assurances.

Councilor Bushee said when she agreed to this concept she asked the City Attorney's office to look at building things into this lease, commenting that there is no one in attendance from the City Attorney's office this evening. She will vote against this if anyone can make a charter operation out of this.

Mr. Montman said there is no effort to make a charter operation. Councilor Bushee said it could easily be done.

Chair Heldmeyer asked if Councilor Bushee would like to delay this issue for two weeks. Councilor Bushee said we are speaking in legal terms and there is no attorney in attendance. However, she believes the contract should be amended to limit the operation to air rescue.

Councilor Pfeffer related his experience in engaging a licensed pilot who rented an aircraft from one of the FBO's who didn't own the aircraft. Mr. Montman said this is a rental and being done today at the airport.

Councilor Bushee said aircraft can also mean helicopter.

Councilor Pfeffer related his experience in chartering aircraft and a pilot on a one-time basis. Mr. Montman said a charter can be any number of things - like a taxi cab. Councilor Pfeffer said you are basically renting the service of the craft and the pilot. Mr. Montman said this is correct and could include a helicopter.

Responding to Councilor Pfeffer, Mr. Montman said there have been two FBO's for the

entire time he has been at the Airport. Mr. Montman, responding to Councilor Pfeffer, said the list of activities is from the most recently approved aviation lease and reflects all of the operations of the other FBO's. Mr. Montman said there are no helicopters for charter at the airport. There is one medium size single engine aircraft which flies about once a day to and from the airport and goes to locations around the state and has gone to the Grand Canyon before the regulations were changed. This represents less than 1 % of the total operations.

Councilor Pfeffer said, through these kinds of leases, then joyrides, loopholes, all kinds of terrible things haven't happened. Mr. Montman said to his knowledge this is correct. Councilor Pfeffer said it seems that most of the helicopter operations in and out would be done by the National Guard. Mr. Montman agreed, although there are other helicopters, noting that the State Police helicopter operates out of the airport.

Councilor Pfeffer asked Mr. Ashcroft if it makes economic sense to use an air ambulance for charter. Mr. Ashcroft said an air ambulance couldn't be used for charter because the helicopter is completely equipped for a flying intensive care unit. It couldn't be used for charter, pointing out that there are rules governing the use of a medical helicopter which prevent its use for joyriding.

Councilor Pfeffer asked when did Air Life Flight become New Mexico Life Rescue. Mr. Ashcroft said about a month ago, because another company which has had the trademark on Air Life since 1995 threatened him with suit for infringement of trademark. Councilor Pfeffer asked Mr. Ashcroft if there were any other factors involved in the name change - change in the basic purpose, change at the corporation level, or change of ownership. Mr. Ashcroft said there were not.

Councilor Pfeffer said although this has always contained FBO language, it has never been discussed as an FBO and he didn't think of it in those terms. He said this raises another level of issues, and asked if the other FBO's are aware of the potential third competitor. Mr. Montman said the other FBO's are aware.

MOTION: It was moved by Councilor Pfeffer, seconded by Councilor Coss, that this request be sent to Finance with the stipulation that the current FBO's be notified of this request, and that Finance conduct a public hearing to get the FBO's input, and that the other interested organizations and parties at the airport - private pilots and others - and the neighborhoods be notified as well so there can be a thorough public hearing on this issue..

DISCUSSION: Councilor Coss will abstain from this vote until he meets with his constituents in Tierra Contenta, although ultimately he may vote favorably. He believes this action helps the problems around St. Vincent's and likely will not increase problems in District #3. He said Mr. Montman has said this is consistent with the master plan. He said we will have trouble with FAA if we don't approve this lease. He said the people impacted by these decisions can't vote in the City. The City passed a master plan which will increase flights in and out, and the impacts

will be on people we don't represent. He wants to hear from his constituents about this issue. He said this may help the problem without a great cost of noise to his constituents.

Councilor Chavez asked how many FBO's can the airport accommodate. Mr. Montman said the master plan calls for 4, but he believes realistically the airport can support only 3. He said New Mexico Life Rescue may find that their FBO may not survive because of the competition for existing services.

Councilor Chavez said if this is approved, then the saturation point of 3 has been reached, and asked how the City can say no to the next applicant. Mr. Montman said this is based on supply and demand, and on the desire to conduct the business. We aren't seeing any growth in operations at the airport which is about 84,000 operations annually. One of the FBO's said we shouldn't do this lease because it will drive him out of business, however, pilots complain about the lack of reasonably priced service at the airport. This proposal could eventually provide competition for services.

Councilor Chavez said there is no penalty for violation of the Noise Abatement Program. Mr. Montman said this is correct, and we can't regulate air space, but the lease is the domain of the City as long as there are no provisions which conflict with FAA regulations to regulate the air space or to violate any of the 37 grant assurances. There is some flexibility about lease terms. However, one of those grant assurances has to do with fair and equitable competition and that we don't take away a service which has already been granted to another.

Responding to Chair Heldmeyer, Mr. Montman said the penalty could be to find them in default of the lease.

Councilor Chavez understands in some cases, because of timing or weather conditions outside the pilot's control, the pilot can deviate from that pattern. He doesn't know that the public understands that the deviation is for a valid reason. Mr. Montman responds to every complaint, and many times he has been able to respond and explain these situations to those complaining and intends to continue a one-on-one discussion of these incidents. Councilor Chavez said if we can have language in the contract that requires compliance with voluntary noise abatement, why can't we exclude other things that Air Rescue isn't interested in doing. Mr. Montman said this goes to an unfair advantage.

**CLARIFICATION OF MOTION:** Chair Heldmeyer asked if the motion includes a deletion of the language referring to lowering the GRT. **Councilor Pfeffer said this is included in the motion.**

Chair Heldmeyer said the FAA has put restrictions on flights over certain areas. Mr. Montman said the FAA has restricted flights over the Grand Canyon because of environmental and safety concerns.

Councilor Pfeffer asked about helicopter tours over the Plaza and what would be the minimum elevation for helicopters. Mr. Montman said Part 91 does not establish a minimum altitude on



helicopter operations. However, the noise abatement specifies 2,000 ft. Councilor Pfeffer said a helicopter is not permitted to fly lower than 2 000 feet. Mr. Montman said that is a voluntary program pointing out that FAA regulates air space everywhere.

Responding to Councilor Bushee, Mr. Ashcroft said the company did not budget the move to the airport. They now have to build the infrastructure, offices and such which wasn't in the budget originally. The only way they can afford the additional \$350,000 is to try to create revenues to offset those costs. He said there are no plans within the next 10 years to do tourist flights around the Plaza.

Councilor Bushee doesn't want to limit or tie the hands of Air Rescue. However, the majority of the calls are about the noise, and she wants to be able to tell people that this action is being taken to save lives and provide the opportunity for the business to save lives but not to do whatever it wants in terms of noisy flight patterns. She had asked City legal to look at this. She would like assurances from Air Rescue that the intention is to save lives and sell gas, some parts and that it has no desires to have a flight school.

Mr. Ashcroft said there is no desire to get into a flight school, but reiterated that the objective is to offset the costs for the move. There is an indication down the road for additional fire support helicopters and something they are considering at some point. There is no desire to do tour flights and disrupt Santa Fe, and said they are sensitive to the people that live here.

Councilor Bushee will support moving this forward, and wants City legal to look into what may or may not be added as permitted activities in the contract.

CLARIFICATION OF THE MOTION: Councilor Heldmeyer said the Committee is voting on the approval of this lease with the deletion of the special exception for the gross receipts tax.

VOTE: Those voting aye: Councilor Pfeffer  
Councilor Bushee  
Those abstaining: Councilor Chavez  
Councilor Coss

The resulting vote was a tie, and the chair voted yes. The motion was passed by a majority of all those voting in the affirmative.

Prior to casting his vote, Councilor Chavez asked if this vote is for final approval of the lease or conceptual approval. Chair Heldmeyer said this is a vote on the final lease.

**20. 2004-2008 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) AND RESOLUTION.**

- A. REQUEST APPROVAL OF A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) B. REQUEST APPROVAL OF THE 2004-2008 ICIP PROJECT. (ROBERT ROMERO)**

Memorandum dated July 14, 2003, with attachments, to the Public Works/CIP and Land Use Committee from Robert Romero, Engineering Division Director, is incorporated herewith to these minutes as Exhibit "10."

MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez that the request be approved.

DISCUSSION: [Councilor Coss's remarks are inaudible.] He has been approached by Women's Health Services for assistance in moving to Casa Solana Shopping Center, and he would like to add that project to the list. Chair Heldmeyer said this is a wish list and Councilors can add anything they want to add.

With regard to funds for automated refuse collection, Mr. Lujan said the action of the recent budget would be two years out from committing to that and we will look to enterprise fund revenues to implement that program.

Responding to Councilor Bushee, with regard to the intelligent traffic system, this is for cameras and fiber optic lines to coordinate the traffic signals.

The following items were suggested to be added and were included in Councilor Pfeffer's motion:

- Women's Health Services
- \$1 million for watershed restoration action strategy
- Funds for the effluent line for Tierra Contenta
- More funds for the parking garage at the Railyard
- More funds for trails and bike paths
- Additional equipment needed by Fabian Chavez to assist in his work
- Planning for ADA retrofits
- Intersection of Acequia Madre and Arroyo Tenorio
- Old Pecos Trail/Old Santa Fe Trail

Ms. Prada said there were no additions received from other Councilors.

Councilor Chavez would like to be the main sponsor. Councilor Bushee would like to be a co-sponsor.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

## **21. MATTERS FROM THE COMMITTEE**

There were no matters from the Committee.

22. **NEXT MEETING: JULY 28,\_ 2003.**

23. **ADJOURN**

There being no further business to come before the Committee, and the Committee having completed its agenda, it was moved by Councilor Pfeffer, seconded by Councilor Chavez, that the meeting be adjourned. The motion carried unanimously, and the meeting was adjourned at 9:25 p.m.

**Karen Heldmeyer, Chair**

**Melessia Helberg Stenographer**